REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-27 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed.

I.   Rejections under 35 U.S.C. § 103

In the Office Action, at page 3, numbered paragraph 7, claims 1, 5-7, 11, 14, 18-20, 24 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,668,948 to Belknap et al. in view of U.S. Publication No. 2002/0145702 to Kato et al. and further in view of U.S. Patent No. 4,680,630 to Field. This rejection is respectfully traversed because the combination of the teachings of Belknap, Kato and Field does not suggest:

> analyzing information of streaming media source files, and processing a client's requirements to obtain a splitting requirement of the streaming media source files into clip files, the splitting requirement being the manner in which the media source files are split, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting;
>
> defining a split files placement strategy and analyzing a clip file allocating requirements, according to the client's requirements;... and
>
> distributing the clip files to relevant storage server nodes, according to the split files placement strategy,

as recited in independent claims 1 and 14.

As conceded by the Examiner, Belknap does not discuss or suggest processing a client's requirements to obtain a splitting requirement of streaming media source files into clip lines, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting, and then defining a split files placement strategy and analyzing a clip file allocating requirements. The Examiner indicates that Kato and Field make up for the deficiencies in Belknap. The Applicants respectfully disagree.

Kato does not discuss or suggest that a user inputs a splitting requirement for how to split the streaming media source files. Kato discusses only that a user is able to input

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information as to specifying the playback domain, but Kato does not suggest that when the user inputs the user designation information, a splitting requirement of the manner in which the media source files are split into clip files, where the requirement is either of clip placement based on clip time or clip placement based on quantity of clip splitting, is obtained.

Kato discusses only that the user can input information as to specifying a playback domain, for example, but does not suggest that this information is used to specify either clip placement based on clip time or clip placement based on quantity of clip splitting. The user's input information is not a splitting requirement. A splitting requirement is inherently how it is required to split the media source files, which is the manner in which the source files are split. Kato discusses only that a user is able to edit the AV stream in a specific manner (e.g., creating a playback route of reproducing a portion sung by a singer A from a song program A and subsequently reproducing a portion sung by the same singer A from another song program B). Kato does not suggest that the user is setting a splitting requirement of splitting the media source files into clip files.

In contrast, in the present invention of claim 1, for example, based on the user's requirements, the streaming media is divided based on the same time length or based on the same space size. Thus, the manner in which the streaming video source is split is the splitting requirement.

Kato, on the other hand, does not establish a requirement for how to split the media source files into clip files, but merely provides for the user to specify a playback domain of the media stream. However, this is not designating the requirement for how to split the media stream.

The Examiner cites portions of Kato that generally disclose the apparatus (controller 23, demultiplexer 26, etc.) and generally disclose splitting a file into clip files, but none of the cited portions discuss a splitting requirement that is one of clip placement based on clip time and clip placement based on quantity of clip splitting for how to split the files. Merely noting that a video file can be split into clips is not obtaining a splitting requirement based on a client's requirements.

Further, the Examiner concedes that neither Kato nor Belknap suggest that a video splitting requirement is a manner in which the media source files are split, but indicates that Field makes up for the deficiencies in Kato and Belknap. The Applicants respectfully disagree.

Field discusses that a video input signal is fed to a splitting circuit, which produces streams of even and odd numbered samples, both at a sampling rate.

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Field is directed to a general system of producing a television image by line and field sequential scanning. When the video input signal is split into samples, the samples are not clip files, but are instead interpolated samples that are used to form a series of video signal samples that represent a modified television picture. Field is not directed to splitting streaming media source files into clip files, but is directed to splitting a video input signal into samples to be used in producing the television picture itself.

A clip file, on the other hand, is a segment of the entire streaming media file itself. Thus, Field is not directed to generating clip files, but is directed to generating samples (field 1 odd samples, field 1 even samples, field 2 odd samples, field 2 even samples) used to produce a television image. The samples in Field are not segments of the entire streaming media file and are thus not "clip files," as one of ordinary skill in the art would recognize.

Therefore, it is unclear as to how Field could suggest obtaining a splitting requirement of splitting the streaming media source files, which is the manner in which the media source files are split into clip files.

Further, one of ordinary skill in the art would not combine Belknap and Kato with Field because Belknap and Kato are directed to splitting files into clip files, while Field is directed to producing a television image by sequential scanning. "To produce sequential scanning" does not provide an apparent reason with rational underpinning as to why Belknap and Kato should be modified to suggest obtaining a splitting requirement of streaming media source files into clip files, the splitting requirement being the manner in which the media source files are split, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting, particularly because Field is not directed to splitting media source files into clip files.

Additionally, neither Belknap, Kato nor Field suggest defining a split files placement strategy, according to the client's requirements. Again, neither Belknap, Kato nor Field suggest analyzing a client's requirements (for example, as to whether the splitting method is based upon time or based upon space). Thus, neither Belknap, Kato nor Field suggest defining a placement strategy that is based on the client's requirements as to either the time length of each clip or the space length of each clip.

Additionally, the Examiner alleges, in suggesting that it would have been predictable to incorporate Kato into Belknap, that "one skilled in the art would have readily recognized a system and method of producing quality streaming video." "Of producing quality streaming video" does not meet the requisite standard for a *prima facie* obviousness rejection. An

obviousness rejection is only upheld with an <u>apparent reason</u> with <u>rational underpinning</u> as to why one of <u>ordinary skill</u> in the art would have combined the reference teachings to suggest all the features of the invention. Merely reciting that "one skilled in the art would have readily recognized a system and method of producing quality streaming video" does not establish a *prima facie* case of obviousness.

Therefore, as the combination of the teachings of Belknap, Kato and Field does not suggest "...processing a client's requirements to obtain a splitting requirement of the streaming media source files into clip files, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting; [and] defining a split files placement strategy and analyzing a clip file allocating requirements, according to the client's requirements," as recited in independent claims 1 and 14, claims 1 and 14 patentably distinguish over the reference relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Also, the combination of the teachings of Belknap, Kato and Field does not suggest "obtaining a splitting requirement of the streaming media source files into clip files based on the client's requests information, <u>the splitting requirement being the manner in which the media source files are split,</u> the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting; [and] creating data placement strategies," as recited in independent claim 27. Therefore, claim 27 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 5-7, 11, 18-20 and 24 depend either directly or indirectly from amended independent claims 1 and 14 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 11 recites that "the client's requirements include obtaining and analyzing splitting time requirements and clip placement strategy." Therefore, claims 5-7, 11, 18-20 and 24 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

In the Office Action, at pages 15, numbered paragraph 8, claims 2, 4, 9, 10, 12, 13, 15, 17, 22, 23, 25 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Belknap, Kato, Field and U.S. Publication No. 2003/0236912 to Klemets et al. This rejection is respectfully traversed.

As discussed above, the combination of the teachings of Belknap, Kato and Field does not suggest all the features of independent claims 1 and 14. Klemets fails to make up for the deficiencies in Belknap and Kato. Therefore, claims 1 and 14 patentably distinguish over the references relied upon.

Claims 2, 4, 9, 10, 12, 13, 15, 17, 22, 23, 25 and 26 depend either directly or indirectly from independent claims 1 and 14 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 8 recites that "the splitting task list is produced by analyzing the media source files to find a space and time deviation of each clip file and a range of a serial number of the network packet." Therefore, claims 2, 4, 9, 10, 12, 13, 15, 17, 22, 23, 25 and 26 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

II. Allowable Subject Matter

The Applicants are appreciative of the indication by the Examiner that claims 3, 8, 16 and 21 would be allowable if rewritten in independent form. As it is believed that independent claims 1 and 14, from which claims 3, 8, 16 and 21 ultimately depend, are allowable over the references relied upon, claims 3, 8, 16 and 21 have not been rewritten in independent form.

Conclusion

In accordance with the foregoing, claims 1-27 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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